JOINT FORCES STAFF COLLEGE
JOINT ADVANCED WARFIGHTING SCHOOL

<u>**U.S. INTELLIGENCE: COMPLIANCE WITH THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 AND THE 9/11 COMMISSION REPORT RECOMMENDATIONS**</u>

by

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A paper submitted to the Faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

Signature:_____

May 26, 2006

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1. REPORT DATE **15 MAY 2006**		2. REPORT TYPE		3. DATES COVERED	
4. TITLE AND SUBTITLE **U.S. INTELLIGENCE: COMPLIANCE WITH THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004 AND THE 9/11 COMMISSION REPORT RECOMMENDATIONS**				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) **Joint forces Staff College/ Joint Advanced Warfighting school,7800 Hampton Blvd,Norfolk ,VA,23511**				8. PERFORMING ORGANIZATION REPORT NUMBER **JFSC 25789**	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT **Approved for public release; distribution unlimited.**					
13. SUPPLEMENTARY NOTES					

14. ABSTRACT

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15. SUBJECT TERMS

16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT	18. NUMBER OF PAGES	19a. NAME OF RESPONSIBLE PERSON
a. REPORT **unclassified**	b. ABSTRACT **unclassified**	c. THIS PAGE **unclassified**	**1**	**73**	

ABSTRACT

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ACRONYMS

ADD/NCS/T	Associate Deputy Director of the National Clandestine Service for Technology
CIA	Central Intelligence Agency
COCOM	Combatant Commander
CRS	Congressional Research Service
D/NCS	Director of the National Clandestine Service
DCI	Director of Central Intelligence
DCIA	Director of Central Intelligence Agency
DD/NCS/CH	Deputy Director National Clandestine Service for Community Human Intelligence
DD/NCS/CIA	Deputy Director National Clandestine Service Central Intelligence Agency
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security/Defense HUMINT Service
DIA	Defense Intelligence Agency
DIME	Diplomatic, Information, Military, Economic
DNI	Director of National Intelligence
DO	CIA's Directorate of Operations
DoD	Department of Defense
DOS	Department of State
FBI	Federal Bureau of Investigation
FBIS	Foreign Broadcast Information Service
FISA	Foreign Intelligence Surveillance Act
HI	Horizontal Integration
HPSCI	House Permanent Select Committee on Intelligence
HUMINT	Human Intelligence
IC	Intelligence Community
ICAD	Intelligence Computer Assisted Detection
ICP	Intelligence Campaign Planning
IMINT	Imagery Intelligence
INR	Bureau of Intelligence and Research (State Department)
INTEL	Intelligence
INTELINK	Intelligence Link
IOB	Intelligence Oversight Board
ISE	Information Sharing Environment
ISIS	Integrated Surveillance Intelligence System
ISR	Intelligence Surveillance and Reconnaissance
JAWS	Joint Advanced Warfighting School
JIACG	Joint Interagency Coordination Groups
JMIP	Joint Military Intelligence Program
JWICS	Joint Worldwide Intelligence Communications System
LNO	Liaison Officer
NCPC	National Counterproliferation Center

NCS	National Clandestine Service
NCTC	National Counterterrorism Center
NFIP	National Foreign Intelligence Program
NGA	National Geospatial-Intelligence Agency
NIC	National Intelligence Center
NIE	National Intelligence Estimate
NIP	National Intelligence Program
NIPR	Non-secure Internet Protocol Router
NRO	National Reconnaissance Office
NSA	National Security Agency
NSC	National Security Council
NSPD	National Security Policy Directive
NSP-GWOT	National Security Policy on the Global War on Terrorism
OBP	Office of the Border Patrol
ODNI	Office of the Director of National Intelligence
OMB	Office of Management and Budget
OPS	Operations
OSD	Office of the Secretary of Defense
PCC	Policy Coordination Committee
PFIAB	President's Foreign Intelligence Advisory Board
PMESII	Political, Military, Economic, Social, Infrastructure and Information
POTUS	President of the United States
PSA	Principal Staff Assistant
RVS	Remote Video Surveillance
SCI	Sensitive Compartmented Information
SECDEF	Secretary of Defense
SIGINT	Signals Intelligence
SIPRNET	Secure Internet Protocol Router
SSCI	Senate Select Committee on Intelligence
TDSI	Taking Stock of Defense Intelligence
THTs	Tactical Human Intelligence Teams
TIARA	Tactical Intelligence and Related Activities
TTPs	Tactics, Techniques and Procedures
TUAV	Tactical Unmanned Aerial Vehicles
UAV	Unmanned Aerial Vehicles
USD-I	Under Secretary of Defense for Intelligence
US-VISIT	U.S. Visitor and Immigrant Status Indicator Technology
WMD	Weapons of Mass Destruction
WWII	World War II

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INTRODUCTION

The purpose of this paper is twofold: first, to examine compliance by the Intelligence Community (IC) with legislative reforms mandated by the Intelligence Reform and Terrorism Prevention Act of 2004, and the recommendations of the 9/11 Commission Report and secondly to propose viable recommendations focused on changing the intelligence community culture, its approach to collection, analysis, its failure to share information and its tactics, techniques, and procedures (TTPs).

Thesis: Cultural bias in the intelligence community continues to interfere with meeting the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 due to continued "stovepipe" operations. **Thesis Question**: How compliant is the intelligence community with the requirements and intent of the 9/11 Commission Report and the Intelligence Reform and Terrorism Prevention Act of 2004? **Methodology**: Conduct literature review, interviews and analysis in order to determine compliance with intelligence reform initiatives. The author examines the provisions in the Intelligence Reform and Terrorism Prevention Act of 2004 and the recommendations of the 9/11 Commission Report. The results of research will yield an analysis of how well the intelligence community is changing its focus and culture to emerge as a community that routinely shares information. Finally, recommendations are provided to continue to move the intelligence community toward reform.

BACKGROUND

The terrorist attack on the United States on 9/11/2001 revealed substantial gaps in national intelligence tactics, techniques and procedures domestically. The terrorism of September 11, 2001 was a shock, but it definitely should not have been a surprise based

on past terrorist events (indicators) that should have tipped the intelligence community

that Islamic Extremists were serious about their plans to kill Americans in large numbers

both at home and abroad.[1] As the world's only remaining "Superpower", the United

States did not anticipate an attack of the magnitude of 9/11 on American soil. It was

primarily focused on terrorist events abroad. "In February 1998, Usama Bin Ladin issued

a self-styled fatwa"[2] (a legal opinion or ruling handed down by an Islamic religious

leader[3]) "by publicly declaring that it was God's decree that every Muslim should try his

utmost to kill any American, military or civilian, any where in the world, because of

American "occupation" of Islam's holy places and aggression against Muslims".[4] Hind

sight and historical analysis revealed that numerous intelligence organizations had

creditable and actionable intelligence on Bin Ladin and al Qaeda's threat to the United

States and her global interests. However, the lack of adequate predictive analysis, failure

to effectively and efficiently track threat targets internationally coupled with limited

internal coordination and information sharing between U.S. intelligence agencies were

major factors that contributed to al Qaeda's success on 9/11.

As a matter of practice, U. S. intelligence organizations routinely operate

independently with limited coordination and information sharing with other government

organizations. The expected routine coordination between organizations and agencies

within the U.S. Government (the intelligence community; DoD, CIA, FBI, Department of

State, Department of Homeland Security's Border Patrol partnered with the Department

of Transportation and Federal Aviation Administration) for the protection of our

homeland appears to be superficial and hollow. The evidence of our panic and confusion

was manifested in multiple disconnects on the ground and in the air in the midst of the

chaos experienced during the near simultaneous attacks in New York, the Pentagon and

Pennsylvania. It seems reasonable that an integrated intelligence community with

established habitual working relationships, effective interagency partners, and unfettered

information sharing in a collaborative environment would have prevented the attacks of

September 11, 2001.

OVERVIEW OF THE INTELLIGENCE COMMUNITY

The following is a brief synopsis of the 15 original organizations and their

missions as members of the national IC as outlined on the IC website.

"Central Intelligence Agency (CIA) has all-source analytical capabilities that cover the whole world outside US borders. It produces a range of studies that cover virtually any topic of interest to national security policymakers. CIA also collects intelligence with human sources and, on occasion, undertakes covert actions at the direction of the President.

The Department of Defense (DoD) has eight subordinate organizations consisting of:

National Security Agency (NSA) is responsible for signals intelligence and has collection sites throughout the world.

National Reconnaissance Office (NRO) develops and operates reconnaissance satellites.

National Geospatial-Intelligence Agency (NGA) prepares geospatial data ranging from maps and charts to sophisticated computerized databases that are necessary for targeting in an era dependent upon precision guided weapons.

Defense Intelligence Agency (DIA) is responsible for HUMINT collections, defense attaches and for providing DoD with a variety of intelligence products.

Air Force Intelligence, Army Intelligence, Navy Intelligence, and Marine Corps Intelligence focus on the specific mission requirements of their individual services. Service products, along with those of DIA, supplement the work of CIA analysts and provide greater depth on key technical issues.

State Department's Bureau of Intelligence and Research (INR) is one of the smaller components of the Intelligence Community but is widely recognized for the high quality of its analysis. INR is strictly an analytical agency; diplomatic reporting from embassies, though highly useful to intelligence analysts, is not considered an intelligence function (nor is it budgeted as one).

Federal Bureau of Investigation (FBI) intelligence functions relate to counterterrorism and counterintelligence. The former mission has grown enormously in importance since September 2001, the FBI has been reorganized in an attempt to ensure that intelligence functions are not subordinated to traditional law enforcement efforts. Most importantly, law enforcement information is now expected to be forwarded to other intelligence agencies for use in all-source products.

Department of Homeland Security (DHS) is responsible for fusing law enforcement and intelligence information relating to terrorist threats to the homeland. The Information Analysis and Infrastructure Protection Directorate in DHS participates in the interagency counterterrorism efforts and, along with the FBI, has focused on ensuring that state and local law enforcement officials receive information on terrorist threats from national-level intelligence agencies.

> **The Coast Guard** is part of DHS and deals with intelligence relating to maritime security and homeland defense.

The Department of Energy analyzes foreign nuclear weapons programs as well as nuclear non-proliferation and energy-security issues. It also has a robust counterintelligence effort.

The Department of the Treasury collects and processes information that may affect US fiscal and monetary policies. Treasury also covers the terrorist financing issue."[5]

"Effective February 17, 2006 the DNI and the Attorney General, Alberto R. Gonzales announced the accession of the **Drug Enforcement Administration (DEA)** Office of National Security Intelligence as the 16th member of the intelligence community."[6]

INTELLIGENCE OVERSIGHT

According to Mark Lowenthal, the intelligence community is subject to oversight by both the Legislative and Executive branches of government. Congressional oversight of the IC is the responsibility of the House and Senate Select Intelligence committees.

"Both committees resulted from congressional investigations of intelligence practices in 1975-1976 when it was decided that among other problems, congressional oversight had been lax."[7] "The House Permanent Select Committee on Intelligence was created by House Resolution 658 (95th Congress) in 1977, and there are three subcommittees; Legislation, Oversight and Evaluation, and Program and Budget Authorization."[8] "The Senate Select Committee on Intelligence was created by Senate Resolution 400 (94th Congress) in 1976, and unlike the House committee, the Senate committee is considered bipartisan and does not reflect the actual party division in the Senate."[9] Regarding the Executive Branch, to varying degrees, leaders in the IC have a routine working relationship with the President both directly and through the National Security Council (NSC). By law, the President must ensure that Congress is fully informed of certain current and future intelligence activities to include any covert intelligence operations. Through these interactions, the IC keeps policy and decision makers informed of intelligence related activities related to national security issues. The Federal Government explains external oversight of the IC as follows:

External Executive Oversight

- "The President's Foreign Intelligence Advisory Board (PFIAB): The PFIAB is an entity within the Executive Office of the President formed to assess the quality, quantity, and adequacy" of intelligence collection, analysis, counterintelligence, and other activities of the IC. The PFIAB reports directly to the President, and provides recommendations for actions to improve and enhance the performance of intelligence efforts. It also examines issues raised by the President or the Director of National Intelligence and can make recommendations directly to the DNI. Membership of the PFIAB consists of not more that 16 persons appointed by the President.
- The President's Intelligence Oversight Board (IOB): Once a separate organization under the President, the IOB was made a standing committee of the PFIAB in 1993. The IOB is composed of four members of the PFIAB appointed by the Chairman of the PFIAB. The IOB conducts

independent oversight investigations as required and reviews the oversight practices and procedures of the inspectors general and general counsels of intelligence agencies.

- The Office of Management and Budget (OMB): OMB is part of the Executive Office of the President. Reviews intelligence budgets in light of presidential policies and priorities, clears proposed testimony, and approves draft intelligence legislation for submission to Congress."[10]

External Legislative Oversight

- "The Senate Select Committee on Intelligence (SSCI): The membership of the SSCI has ranged from 13 to 17, with the majority party in Congress having one more member than the minority. Members of the SSCI serve 8-year terms. In addition to its role in annually authorizing appropriations for intelligence activities, the SSCI carries out oversight investigations and inquiries as required. It also handles presidential nominations referred to the Senate for the positions of DNI, Principle Deputy DNI, Director of the Central Intelligence Agency, and Inspector General of CIA, and reviews treaties referred to the Senate for ratification as necessary to determine the ability of the Intelligence Community to verify the provisions of the treaty under consideration.
- House Permanent Select Committee on Intelligence (HPSCI): The membership of the HPSCI is currently set at 19 members and is proportional to the partisan makeup of the entire House of Representatives. Members may be appointed for terms up to eight years. Like its Senate counterpart, the HPSCI conducts oversight investigations and inquiries in addition to processing the annual authorization of appropriations for intelligence.
- Other Committees: In addition to the intelligence committees, other congressional committees occasionally become involved in oversight matters by virtue of their overlapping jurisdictions and responsibilities. The armed services committees of each House, for example, exercise concurrent jurisdiction over DoD intelligence activities; and the judiciary committees in each House exercise concurrent jurisdiction over FBI intelligence activities."[11]

Controlling the Intelligence Budget Equals Power

This section is a brief overview of the intelligence community budget process to sensitize readers to the fact that intelligence funding is handled as a separate line item in the national budget. In the author's view "power is money and money is power." This is a basic tenet and an essential element required to establish and wield the power necessary

to conduct political lobbying for resources in the "beltway." On an annual basis, Congress passes the Intelligence Authorization Act that authorizes a set amount of money for specific intelligence agencies and programs. Funding for the intelligence community is controlled by the powerful Senate and House Committees. "In the Senate, the Intelligence Committee (Senate Select Committee on Intelligence (SSCI) has jurisdiction over the National Foreign Intelligence Program (NFIP)" [12] now called the National Intelligence Program (NIP), "and the Armed Services Committee controls Tactical Intelligence and Related Activities (TIARA)." [13] In the House, the Intelligence Committee (House Permanent Select Committee on Intelligence (HPSCI) has jurisdiction over NIP and the Joint Military Intelligence Program (JMIP), but its jurisdiction over TIARA is shared with the National Security Committee. [14] The intelligence budgetary process is highly classified, which often breeds questions that ultimately lead to mistrust by lawmakers in Washington, D.C., especially those not on the intelligence committees, the press, and individual concerned citizens. A major key to intelligence reform is the fair and equitable distribution of these highly sought after intelligence funds; the evidence of that is not readily available due to classification of pertinent documents.

In a Congressional Research Service (CRS) report to Congress dated April 11, 2005 Richard Best, Alfred Cummings and Todd Masse point out that previous Directors of the Central Intelligence Agency failed to exert their authority, when their actions would conflict with priorities established by the Secretary of Defense, who has been viewed as the dominant player in the intelligence community because the Secretary controls approximately 85% of the intelligence budget. [15] Technically based on the legislation, the DNI should be managing the largest share of intelligence community

resources (money and personnel), more than 75%. At some point in the near future, the

DNI will have to engage the Secretary of Defense to obtain a fair share of the intelligence

budget to manage. A fair share could be defined as more than 50% at first, but over time

this number could grow to a number that the DNI is comfortable with to meet mission

requirements. However, skeptics doubt Director Negroponte's resolve to publicly

challenge the Secretary of Defense on the budget issue.

9/11 COMMISSION REPORT INTELLIGENCE COMMUNITY FINDINGS/RECOMMENDATIONS

Members of the 9/11 Commission[16]

Thomas H. Kean, Chair	Slade Gorton
Lee H. Hamilton, Vice Chair	Bob Kerrey
Richard Ben-Veniste	John F. Lehman
Fred F. Fielding	Timothy J. Roemer
Jamie S. Gorelick	James R. Thompson

The following are the recommendations of the 9/11 Commission that will impact

intelligence reform and serve as the basis for assessing compliance and providing a

current status of the progress in the intelligence community:

- Establish Director of National Intelligence.
- Establish Counterterrorism Center.
- Reorient FBI Operations Toward Counterterrorism .
- Create a National HUMINT Manager/CIA.
- Increase Information Sharing Across the U.S. Government.
- Increase International Collaboration on Borders and Document Security.[17]

The 9/11 Commission provided its findings to restructure the intelligence community
based on their perceptions of six problems that were apparent long before and after 9/11:

1. "Structural barriers to performing joint intelligence work. National
intelligence is organized around collection discipline of the home agency

and not joint operations. All source analysts should strive to "connect the dots."

2. Lack of common standards and practices across the foreign-domestic divide. Standard TTPs should be established to ensure information is collected, processed, analyzed and disseminated across the intelligence community. Intelligence professionals from all agencies should receive the same standard of training.
3. Divided management of national intelligence capabilities. CIA and domestic collection agencies not synchronized.
4. Weak capacity to set priorities and move resources. DCI had a limited ability to effect priorities and resources within the intelligence community, but the new DNI has the authority for personnel management and allocation of monetary resources.
5. DCI had too many jobs. 1) Manage day to day operations at CIA, 2) serve as the Senior Intelligence advisor to the President and 3) Manage the operations of the members of the intelligence community. With the creation of the DNI the DCI can focus on running the CIA.
6. Too complex and secret. Intelligence culture previously focused on providing information to only those that have a valid "need to know." Most intelligence is over classified and not easily shared with other agencies within or outside of the intelligence community."[18]

The 9/11 Commission Report findings and the specific direction contained in the Intelligence Reform and Terrorism Prevention Act of 2004 are designed to bridge the gap and streamline intelligence operations at the national level. The importance of this historic legislation will not be fully realized until the entire intelligence community collectively embraces its provisions and effectively executes 9/11 Commission Report recommendations. Timely reform of the intelligence community plays a vital role in the execution of the National Security Strategy, the National Defense Strategy and the National Intelligence Strategy. The importance of intelligence reform was emphasized by President Bush, who stated, "Our vast intelligence enterprise will become more unified, coordinated and effective" and "will enable us to better do our duty, which is to protect the American people."[19]

Since 9/11, the intelligence community has been closely scrutinized for its "stovepipe mentality," closed community, apparent lack of predictive analysis, and poor intelligence sharing. The Intelligence Reform and Terrorism Prevention Act of 2004 is the result of the events of 9/11 and is designed to streamline and synchronize the operations of the intelligence community signatories and their activities to ensure a strong and cohesive national intelligence network focused on information dominance and sharing to protect Americans domestically and abroad. The legislation was enacted by the 108th Congress during its 2d Session under Public Law 108-458 [S. 2845] and signed into law on December 17, 2004.[20]

GUIDANCE OUTLINED IN INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

While intelligence reform is not a new concept, this Act constituted the largest overhaul of the intelligence community in 50. The Act was approved in the House by a vote of 336 to 75, and in the Senate 89 to 2.[21] The legislation is very specific and imposes some challenges for the intelligence community. The 288 page legislation covers a wide array of intelligence, law enforcement and interagency activities separated into eight areas:

Title I – Reform of the Intelligence Community
Title II – Federal Bureau of Investigation
Title III – Security Clearances
Title IV – Transportation Security
Title V – Border Protection, Immigration, and Visa Matters
Title VI – Terrorism Prevention
Title VII – Implementation of 9/11 Commission Recommendation
Title VIII – Other Matters[22]

The recommendations of the 9/11 Commission did not establish a clear timeline for intelligence reform. Timelines are vague and largely left to the organizations to set

the time for change. The status of intelligence reform was periodically reviewed by the 9/11 Commission until it issued its final report in December 2005. Otherwise, the intelligence community is scrutinized, to some degree, daily by the members of Congress, the media, and of course the individual private citizens, all using different measuring tools to discern the relevance and effectiveness of the intelligence community and how quickly it is moving toward transformation and reform.

Create a Director of National Intelligence (DNI)

John D. Negroponte, the first Director of National Intelligence (DNI), clearly articulated his vision to reform the intelligence community in the National Intelligence Strategy of the United States. He stated that the intelligence community will become "a unified enterprise of innovative intelligence professionals whose common purpose in defending American lives and interests, and advancing American values, draws strength from our democratic institutions, diversity and intellectual and technological prowess."[23] The published strategy is a comprehensive blueprint for future intelligence operations. The DNI's initial milestones include the establishment of a headquarters, enactment of common tactics, techniques and procedures (TTPs) to synchronize intelligence community efforts to produce and disseminate viable, synthesized and actionable intelligence to federal, state and local agencies.

Establish a Headquarters

Outlined in the legislation, the DNI is appointed by the President with the approval of the Senate. The individual appointed to this position will have extensive knowledge of national security policies and procedures. The principle responsibilities of the DNI include: "Serve as the head of the intelligence community and provide national

intelligence; act as the senior intelligence advisor to the President, to the National Security Council and Homeland Security Council and oversee and direct the implementation of the National Intelligence Program."[24] Douglas Jehl and Elisabeth Bumiller offered in a *New York Times* article that Congressional leaders supported the President's nomination of John Negroponte as the first DNI based on a combination of his public service, stature, toughness and independence, all attributes that will serve him well when engaged in power politics with Defense Secretary Donald H. Rumsfeld and CIA Director Porter J. Goss.[25]

The DNI and his fledgling staff transferred from the Office of the Deputy Director of Central Intelligence for Community Management[26] will have to establish standardized techniques for coordinating with the different cultures of the CIA, FBI, DoD and interagency entities in the intelligence community. Time will reveal the dynamics of the relationship between the DNI and the Director CIA. As the head of US intelligence agencies, the DNI assumes a classic role previously held by the Director of CIA. The revised role of the Director CIA is a major advantage for the organization. The DCIA can now focus exclusively on running the CIA instead of being dual-hatted as the senior national intelligence official with limited authority over other agencies as outlined in the National Security Act of 1947. The 2004 legislation clearly establishes the following responsibilities and authorities for the DNI:

- "Priority for providing intelligence to the President and Executive Branch, Senate and House of Representatives, Chairman of the Joint Chiefs of Staff and senior military commanders
- Access to all national intelligence and intelligence related to the national security collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under the guidelines agreed upon by the Attorney General and DNI

- Budget authority for the intelligence community - provide budget guidance, oversight, and execution - set budget priorities, allocate, program and transfer National Intelligence Programs (NIP) funds. Participate in the development of the Secretary of Defense annual budget for the Joint Military Intelligence Program (JMIP) and for Tactical Intelligence and Related Activities (TIARA) funds.
- Approve transfer and reprogramming of JMIP funds.
- Has a 12 month window after the establishment of a new intelligence center to transfer up to 100 personnel from other intelligence entities to resource it.
- Has tasking authority. Ensures compliance with the Constitution by all intelligence agencies.
- Intelligence sharing - ensures maximum availability of access to intelligence information within the intelligence community consistent with national security requirements
- Protect information sources and methods
- Establish uniform procedures for Sensitive Compartmented Information (SCI)
- Coordinate US intelligence activities with foreign governments or international organizations on all matters involving clandestine operations
- Enhanced personnel management to provide incentives for personnel in the intelligence community
- Additional authority with respect to CIA personnel. DNI will exercise the same authority over CIA personnel as the Director of CIA when CIA personnel are assigned to the Office of the DNI
- Acquisition authority – Same as CIA authority outlined in CIA Act of 1949 (50 U.S.C. 403a et seq.)
- Consider the views of all elements of the intelligence community
- Responsibility of DNI regarding national intelligence program budget concerning DoD. DNI will consult with the SECDEF to ensure that the National Intelligence Program budgets for the elements of the intelligence community that are within the Department of Defense are adequate to satisfy the national needs of DoD
- Acquisition of major systems to support intelligence community signatories
- Performance of common services when determined that tasks are more efficient when conducted in a consolidated manner across the intelligence community." [27]

It is likely that the broad authority transferred to the DNI will cause some initial

friction with the CIA and others. In particular, the CIA is an organization that is not

accustomed to checks and balances from an outside agency. By law, the Director of the

CIA will report to the DNI regarding the activities of the CIA, but will retain autonomy as the Director of CIA over its actions. How Director Negroponte exercises jurisdiction over the structured cultures of the CIA, FBI and DoD is important not only to improving U.S. intelligence as an enterprise, but also to successfully fighting the de facto War on Terrorism. Integrating interagency players may prove to be somewhat problematic based on the lack of a regimented and standardized organizational cultures. Interagency coordination and cooperation is critical and will serve as a cornerstone to the overall success of intelligence reform.

DNI Structure

By legislation the Office of the DNI is composed of the following; the DNI, Principal Deputy Director, Deputy Director of National Intelligence, the National Intelligence Council, the General Council, Civil Liberties Protection Officer, the Director of Science and Technology and the National Counterintelligence Executive. Multiple Deputies of National Intelligence are authorized and must be appointed under section 103A.[28] The actual organization of the DNI as briefed by its representative during the Joint Advanced Warfighting School (JAWS) field trip to Washington DC in November of 2005 depicts a significant increase in additional positions at the headquarters adding more layers and administrative functions to an already bureaucratic community. Mandated by law, the DNI and his staff may not be co-located with any other element of the intelligence community as of October 2008.[29] Currently the DNI occupies space in the newly constructed DIA building in Washington D.C. A permanent home for the DNI is still an open issue as the DNI staff continues to search for real estate within the beltway in close proximity to the White House. The Office of DNI is more robust than required

by legislation or previously briefed in December 2005; however, the DNI has the

flexibility to task organize his staff based on his leadership style and his perceived need

for additional checks and balances of subordinate organizations.

Information Sharing and Synchronization

Information sharing is a major component in successfully reforming the

intelligence community and is mandated by legislation through the establishment of the

Information Sharing Council and establishment of parameters to facilitate a national

information sharing and collaborative environment. The following are the duties and

responsibilities of the Information Sharing Council to facilitate an automated

interoperable Information Sharing Environment (ISE):

- Advise the President and ISE Program Manger on the development of policies, procedures and standards necessary to establish an interoperable environment to share terrorism information.
- Coordinate with all agencies participating in the ISE to ensure implementation and maintenance of the ISE.
- Identify gaps, consolidate and recommend changes to the current architecture used by Federal departments to share information and enhance the ISE.
- Recommend procedures for the ISE that can be extended to include information interchange with Federal, State and local agencies.
- Recommend a blueprint for future expansion of the ISE to take into consideration advancements in technology.[30]

The Information Sharing Council is also referred to as the Information Systems Council

established by Executive Order 13356. Its members will serve for two years at the

discretion of the President.[31] The Council is chaired by a person designated by the

Director of the Office of Management and Budget (OMB); its membership includes:

designees from State, Treasury, Defense, Commerce, Energy, Homeland Security, the

Attorney General and the Directors of CIA, FBI, and NCTC. Other members may be added based on the discretion of the Director of OMB.[32]

The National Intelligence Council members are appointed by and report to the DNI. Membership is composed of senior analysts within the intelligence community and subject matter experts from the public and private sector.[33] The National Intelligence Council duties and responsibilities include:

- Produce national intelligence estimates for the U.S. Government. Synthesize the collaborative inputs from all elements of the intelligence community to include alternative views. Publish the National Intelligence Estimate (NIE) and any other products that offer the judgment of the entire IC.
- Evaluate requirements and resources to adequately conduct collection and production of intelligence by the IC.
- Serve as senior intelligence advisors of the IC for the purpose of representing the views of the intelligence community. Be readily available to policymaking officials and other individuals not otherwise associated with the IC. [34]

Breaking down the barriers that exist in the closed cultures within the intelligence community will be an important milestone that will provide credibility to the DNI and solidify his intelligence reform vision outlined in his National Intelligence Strategy. Another challenge for the DNI and his staff will be to address the colossal question of – how to effectively and efficiently synchronize the efforts of the intelligence community to produce and share actionable intelligence to meet the diverse needs of the national community. Actionable intelligence can be defined as a deliverable product that provides a specific level of fidelity to enhance shared situational awareness delivered with speed, accuracy and timeliness.

Synchronization will present the most challenges based on the need to change the nature of a closed culture while encouraging flexibility to take advantage of the diversity

of the intelligence community. The 15 original intelligence entities have operated in a

stovepipe fashion for more than 50 years. The mission and strategic objectives outlined

in the National Intelligence Strategy require innovation, flexibility, collaboration and

openness to build, manage and maintain information networks that will ultimately yield

intelligence to secure the peace and provide viable options to the National Command

Authority when required.

      The USA PATRIOT Act grants federal officials greater authority to track and

intercept communications for both law enforcement and foreign intelligence collection.[35]

This legislation is critical to the continued sharing of information between the

intelligence community and law enforcement agencies. A "wall" was created by the

Foreign Intelligence Surveillance Act (FISA) of 1978 to prevent collaboration when

building cases in the law enforcement and intelligence communities to protect individual

Fourth Amendment rights.[36] However, this "wall" has been successfully penetrated, and

U.S. agencies are routinely sharing criminal and intelligence information to combat

terrorism. President Bush outlined the positive aspects of renewing the PATRIOT Act in

a discussion with administration officials on January 3, 2006, offering the following

evidence to support his case to renew the law:

- The PATRIOT Act authorized better information sharing between law enforcement and IC.
- Gives law enforcement agents the ability to use the same tools against terrorist that are already available against criminals.
- Updates the law to meet 21st Century threats (computer espionage and cyber terrorism).
- Safeguards civil liberties and has saved Americans lives by breaking up terrorists plots and prosecuting operatives in New York, Oregon, Virginia, Florida, California, Texas, New Jersey, Illinois, North Carolina and Ohio.[37]

Congress renewed the law on 2 March 2006, by a vote of 89 to 10 in the Senate and on 7 March 2006, by a vote of 280 to 138 in the House.[38]

The analytical organizations listed below, as described the Intelligence Reform and Terrorism Act of 2004, will serve as the "hubs" of information within the intelligence community. Each center has a distinct mission and ultimately will manage information based on a push/pull approach to intelligence fusion and dissemination through the use of comprehensive data bases. Providing intelligence at multiple levels of classifications based on the specific requirements and requests from federal, state, local and law enforcement agencies will allow flexibility based on actual intelligence requirements as determined by individual agencies instead of the old paradigm of "need to know." Building interactive data bases that can separate and parse information based on individual classification markings is key to being able to push and pull data. However, the end user's approved access level remains applicable.

National Counterterrorism Center (NCTC)

- Director appointed by President, by and with the advice and consent of the Senate.
- Mission
  - Primary organization for analyzing and integrating intelligence processed in the US pertaining to terrorism and counterterrorism.
  - Conduct strategic operational planning for counterterrorism activities integrating all instruments of national power. No execution authority.
  - Assign roles and duties to lead departments or agencies.
  - Ensure access and dissemination of all source intelligence.
  - Serve as the central and shared knowledge data bank on known and suspected terrorist and terrorist organizations.
  - Provide domestic counterterrorism intelligence.[39]

National Counterproliferation Center (NCPC)

- Established by the President.

- Functional not later than 18 months after the enactment of the National Security Intelligence Reform Act of 2004.
- President must report to Congress the findings of the President's Commission on Weapons of Mass Destruction as established by Executive Order in Feb 04 and the status of the Counter Proliferation Center nine months after the implementation of the Intelligence Reform Act.

- Mission
  - Primary organization in the US to prevent and halt the proliferation of weapons of mass destruction, their delivery systems, and related materials and technologies.
  - Ensure access and dissemination of all source intelligence.
  - Conduct strategic planning and net assessments.
  - Establish a central repository on known and suspected proliferation activities, including the goals, strategies, capabilities, networks and any individuals, groups, or entities engaged in proliferation.[40]

National Intelligence Center(s) (NICs)

- Established by the DNI. At any time the DNI can task organize assets to meet the requirements of the IC. The DNI can terminate any NIC that does not meet the specific need of the IC.
- Mission
  - Provide all-source analysis of intelligence gathered both domestically and abroad.
  - Identify and propose collection, analysis and production requirements.
  - Information sharing.
  - Separate budget line for each center.[41]

A gradual change in culture, coupled with time, will generate an intelligence community accustomed to operating in a collaborative information sharing environment. This shift will set the foundation for those outside the intelligence community to gain access to the free flow of intelligence products. Once information sharing mechanisms are in place and functioning, non intelligence entities will begin to trust the intelligence community, and have confidence in its ability to provide predictive analysis. Information sharing is a major component to repairing the credibility of the intelligence community,

and will be enhanced through the use of intelligence centers. Each intelligence center has a specific mission focus and is established based on the following legislative guidance.

Border Control and Security

Border control and security does not fall directly under intelligence reform, but it will impact how the intelligence community collects information on potential terrorists attempting to gain access to the U.S. illegally. The U.S. is an open society and the borders are open for all to exploit. The border patrol and INS are responsible for controlling and managing the volume of foreign visitors, and their compliance with immigration regulations and laws. The establishment of universal tactics, techniques and procedures (TTPs) for tracking individuals with suspicious motives transiting U.S. borders will enhance intelligence reform initiatives. Border control and regulation is vital to providing the intelligence community accurate information to build threat databases to monitor, track, apprehend, interrogate and develop actionable intelligence on known suspicious individuals. Measures must be in place to identify individuals who gain access to the U.S. illegally and establish networks to ascertain their motives.

Based on hind sight, the terrorists who entered the U.S. to execute the 9/11 attacks revealed major flaws and gaps in U.S. border and immigration procedures. Legislation authorized "the Secretary of Homeland Security to carry out a pilot program to test various advanced technologies to improve border security between ports of entry along the northern border of the U.S."[42] Homeland Security should use all technological advances to include sensors, video and unmanned aerial vehicles to enhance border security.[43] The law mandated that Homeland Security prepare and execute a

comprehensive plan to use remotely piloted aircraft for systematic surveillance of the southwestern border of the U.S. based on the following guidelines:

- Establish C2 centers and operations sites to include infrastructure, maintenance and procurement.
- Prepare cost estimates for implementing the plan for border surveillance.
- Recommend the appropriate agency to serve as the executive agency for remotely piloted aircraft operations.
- Identify the number of remotely piloted aircraft to conduct operations and establish mission parameters and coordination across interagency lines.[44]

To effectively address the vast border issue, the Department of Homeland Security will increase its personnel and resources to meet future requirements. During FY 2006-2010 the department will: increase by not less than 2,000 the number of positions for full-time active-duty border patrol agents; increase by not less than 800 the number of positions for full-time active duty investigators focused on violators of immigration laws; and increase by not less than 8,000 the number of beds available for immigration detention and removal operations.[45]

FOUR MAJOR AREAS OF EMPHASIS

CIA and DIA HUMINT Operations

CIA and DIA both have missions to conduct HUMINT operations. This section addresses their roles individually; however, collectively their efforts will reinvigorate HUMINT operations domestically and abroad. Webster's defines clandestine as conducted in secrecy and defines overt as open to view.[46] Covert action is any effort by the U.S. government to influence another country's policy in ways such that the U.S. is not seen as responsible for the effort.[47] "The heart of the human intelligence discipline is the clandestine service. A professional peacetime clandestine service is relatively new in

American history."[48]   According to William E. Odom, "the most effective American clandestine operations were conducted by George Washington during the Revolutionary War." Other effective users were the Pinkertons on contract for the Lincoln administration during the Civil War; and before WWI limited operations were conducted against Mexico since the Germans were using that country as their human intelligence base of operation.[49] Based on the examples above, history has shown that HUMINT was valued during the preparation and execution of war, but was usually discontinued post war. Poor harvesting of HUMINT potential was evident when the United States entered WWII devoid of a viable HUMINT program or strategy.[50] After the war, each service contributed to the HUMINT mission in varying degrees, but over time the Army emerged as DoD's biggest HUMINT apparatus. As the organization with the charter for clandestine operations, CIA's Directorate of Operations (DO) unofficially controlled the Army's program since it retained approval authority for all military clandestine operations. Thus, the DO's relationship with the Army's clandestine service would best be described as adversarial.[51] Over time, the results of clandestine operations generally received mixed reviews depending upon what agency was conducting the assessment.

The CIA's role as a member of the intelligence community will be significantly different than those duties outlined in the National Security Act of 1947 (50 U.S.C. 401 et seq.). The CIA will have to adapt to being subordinate to the DNI instead of being the superior and overall manager of the IC. As the IC transforms, the CIA's role internationally is a vital link in a synergistic approach to combating terrorism. Clandestine HUMINT operations is the CIA's major collection method abroad and will enable the intelligence community in the war on terrorism as outlined in the National

Security Policy on the Global War on Terrorism (NSP-GWOT). The CIA must coordinate its game plan to support the NSP-GWOT with Commander USSOCOM, the lead responsible agency for synchronizing the global collaborative planning process to prevent future terrorist attacks on the U.S.

A major turning point for HUMINT within DoD occurred in 1995 when the Defense Intelligence Agency (DIA) created the Defense HUMINT Service (DHS) to streamline HUMINT operations above the tactical level to eliminate redundancies across the services. The Army and Marine Corps were the only services that retained their limited tactical HUMINT capability. Human intelligence is essential to military operations conducted in the contemporary operating environment against a non-state asymmetric adversary. DoD has recognized the atrophied state of its HUMINT capability and is working to restore HUMINT and Counterintelligence capabilities to the active duty force that will support the global war on terrorism while meeting the needs of the combatant commanders in the field.

Federal Bureau of Investigation (FBI)

Congress made a number of judgments about the FBI, as described here. The FBI is key to countering future domestic terrorists attacks on the United States and the 9/11 Commission urged the Bureau to reorient its operations toward a more preventative counterterrorism posture.[52] Legislation defines the parameters for the FBI to improve its intelligence capabilities through improved management of personnel, information, budgets, and streamlined organizational operations at field offices. The FBI can not conduct its current missions without significant increases to its intelligence force structure. More importantly, the FBI must change its approach to building, training,

mentoring and leading this new force of future intelligence professionals. Changing the culture of the FBI begins with the recruitment, training and retention of quality agents. The FBI has been highly criticized for being a reactive organization focused on criminal investigations rather than a proactive antiterrorist organization closely linked to other interagency organizations to ensure homeland security. The new legislation provides clear guidelines to move the FBI forward in its transformation to improve its intelligence capabilities. The FBI will prioritize its budgetary expenditure based on its four principal missions:

1. Intelligence.
2. Counterterrorism and counterintelligence.
3. Criminal Enterprises/Federal Crimes.
4. Criminal justice services. [53]

National Intelligence Workforce. Outlined in the legislation, the Director of the FBI will:

> "develop and maintain a specialized and integrated national intelligence workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained and rewarded to ensure an institutional culture with substantial expertise to execute the intelligence mission of the Bureau."[54]

New agents will receive basic training and have the opportunity to serve in criminal and intelligence positions to build a foundation for service in both criminal and intelligence fields to ensure a well rounded workforce. The FBI must establish and maintain translation services in certain languages and at certain proficiency levels to meet evolving intelligence collection requirements. Translators are a force multiplier that will enable information sharing throughout the intelligence community. Salaries and career opportunities should be in line with other intelligence agencies to ensure equity within the intelligence community.

To ensure agent proficiency in the workforce the Director will enforce the following guidelines mandated by legislation:

- Establish career positions in intelligence for agents, analysts and related personnel of the Bureau.
- Afford agents, analysts and related personnel the opportunity to select a career in the intelligence field and work in that specialty over their entire career with the Bureau.[55]

The author offers that the guidance above is contradictory to the intent of maintaining a well rounded workforce that can handle criminal and intelligence positions. If Bureau personnel specialize in one field (intelligence or criminal) the recommended well rounded workforce becomes a workforce of specialists with limited flexibility to operate effectively in both the criminal and intelligence fields. A flexible workforce can only be obtained through balance by designing work programs to ensure Bureau personnel are exposed to training opportunities in both fields of expertise.

Field Office Matters. To improve intelligence capabilities the Bureau must streamline how field offices conduct operations. As mandated by legislation each Field Intelligence Group will report to a field office senior manager responsible for intelligence matters[56] to ensure synergy and oversight.

Directorate of Intelligence. Mandated by legislation, the Office of Intelligence is redesignated as the Directorate of Intelligence of the FBI headed by the Executive Assistant Director for Intelligence (EAD-I). The EAD-I is responsible for the following:

- Supervise national intelligence programs, projects and activities
- Oversight of field operations
- Coordinate human source development and management
- Coordinate collection against nationally-determined intelligence requirements
- Strategic analysis, intelligence program and budget management supervision of the intelligence workforce.[57]

Department of Defense (DoD)

DoD has direct management responsibility for the largest portion of the intelligence community. The Secretary of Defense provided vision and leadership early on to reinvigorate DoD through transformation to take advantage of its strengths by minimizing redundancies and inefficient management of Title X, U.S Code responsibilities to man, train and equip forces across the services. The Secretary of Defense provided specific guidance to spearhead his initiative to ensure vertical and horizontal integration and dissemination of critical intelligence to successfully counter symmetrical and asymmetrical adversaries that emerged post cold war. DoD began its transformation in 2003 prior to the enactment of the current intelligence reform legislation and the 9/11 Commission Report.[58] The legislation does not directly outline changes in how DoD is organized or conducts routine business, but there are numerous stated coordination points between the DNI and Secretary of Defense mainly focused on budget issues. The DNI has overall budget authority for the intelligence community, but the legislation mandated that:

> "The Director of National Intelligence shall participate in the development by the Secretary of Defense of the annual budget for the Joint Military Intelligence Program (JMIP) and for Tactical Intelligence and Related Activities (TIARA) funds."[59]

DoD has implemented a host of changes designed to maximize and strengthen the utilization of its intelligence assets while minimizing duplication and redundancies. The Office of the Secretary of Defense (OSD) is actively engaged with the DNI to serve as a connective bridge with the DoD managed intelligence assets.

Interagency Community Cooperation

"The interagency decision-making process is uniquely American in character and complexity." [60] Intelligence professionals must master the interagency process and be comfortable working in an environment with little or no formal structure. Interagency cooperation is essential for effective intelligence reform to facilitate horizontal and vertical information sharing at the national level. Interagency culture and dynamics are very different from those routinely executed by military organizations. Tension generated by cultural differences and jealousy over turf permeates the interagency process.[61] "The diplomatic and the military cultures dominate the national security system."[62] The diplomat takes a subtle approach to problem solving, and in contrast by the nature of its missions, the military often elects to use threats or force to address a problem set. The diplomatic and military elements of national power must be carefully balanced by the National Security Council to meet the President's vision outlined in the National Security Strategy.

The interagency process at the national level is derived from the Executive authority in Article II, Section 2 of the U.S. Constitution, and was codified in law in the National Security Act of 1947, as amended.[63] The Act established the National Security Council (NSC) to advise the President on the integration of domestic, foreign, and military policies relating to national security.[64] Each administration decides how it will execute interagency cooperation. The Bush Administration operates under the National Security Policy Directive 1 (NSPD 1). Under NSPD 1, National Security Council (NSC) and Policy Coordination Committees (PCC) conduct day to day interagency coordination of national security policy. PCCs are charged with providing policy analysis for the

Principals and Deputies Committees to ensure compliance with the President's decisions.[65] During a formal briefing on the interagency process attended by the author, a representative from the NSC highlighted multiple issues from funding to a lack of personnel to address interagency requirements. This is a common view expressed by knowledgeable government officials and senior military officers who visit the Joint Advanced Warfighting School. Such experienced personnel emphasize the difficultly in effectively engaging the interagency community to meet the requirements in the field.

Interagency coordination is vital to the synchronized and synergistic execution of the nation's instruments of national power (Diplomatic, Informational, Military and Economic (DIME). The interagency links the military to the other elements of national power. As the security environment becomes increasingly more complex and the threat more elusive and technologically savvy, leveraging the intelligence assets of federal, state and local agencies collectively to ensure common situational awareness will ultimately enhance homeland security. Joint Publication 3-26 states that when conducting interagency operations the following planning guidelines should be considered:

- Unity of effort – mix of federal, state and local agencies
- Identify all agencies that are potential stakeholders
- Establish information sharing criteria
- Establish interagency hierarchy and resources required
- Define objectives, courses of action, end state and exit criteria
- Identify obstacles, constraints and limitations
- Consider unique interagency assessment teams [66]

To bridge the cultural gap between the military and interagency organizations, Joint Interagency Coordination Groups (JIACG) are permanently assigned to combatant commanders. A JIACG typically consist of subject matter experts who serve as LNOs from federal, state and local departments and agencies. The LNOs are the critical link

between their respective agencies and the COCOM in support of contingency planning, operations, exercises and initiatives.

The author experienced U.S. interagency decision-making during Operation Iraqi Freedom while working with U.S. embassy personnel and the Iraqi provisional government. Interactions with U.S. civilian agencies were often characterized by a lack of authority which yielded friction between military and civilian personnel. Subordinates complained about difficulty in getting decisions out of their civilian counterparts which fueled the perception of the interagency community as dysfunctional where no one individual or agency was identified as being in charge or held accountable. The interagency process relies heavily on personalities and political savvy. Another observation is that decisions within the interagency community are often solidified during social engagements or through "secret hand shakes."

Politics is a cornerstone of the interagency process. Currently there is no one agency designated in writing to manage and monitor the day to day interagency process. Based on functionality, the intelligence community looks toward the Department of State (DOS) as the major agency in formulating the planning and executing the diplomatic portion of DIME at home and abroad. In conjunction with DIME less the military element and the Political, Military, Economic, Social, Infrastructure and Information (PMESII) framework enables the DOS to formulate a wide range of flexible deterrent options to present to the President prior to committing troops to solve a situation on the ground.

The interagency process is difficult for military personnel to operate within, because they are accustomed to operating in structured operational environments with

clear chains of command and lines of operations. The interagency environment is nebulous and ill-defined. This impacts the effectiveness of career military professionals while interagency entities seek to leverage the unique skills for planning and execution for which the military is famous. The future of warfare is very likely to consist of military operations other than full scale war. This change in warfare will require a more intellectual military officer who understands the imperative of having to work with the diverse array of civilian agencies, non-government organizations, the national and international media, and foreign armed forces fighting as members of a coalition.[67]

Communication is a major challenge to effective interagency coordination. "The Defense Science Board in its 2001 review of U.S. public diplomacy efforts opined that information dissemination is an essential tool in a world where U.S. interests and long-term policies are often misunderstood. Effective communications strategies and well-coordinated information systems can shape perceptions and promote foreign acceptance of U.S. strategic objectives and goals."[68] A national communications strategy must be viewed as the norm and be structured to facilitate information flow through multiple mediums. Currently each member of the Intelligence Community (IC) operates within its own internal communication network. As the IC reforms, and strives to facilitate vertical and horizontal information sharing, the DNI will have to establish common communications networks that can be easily accessed by all its members. Establishing a dedicated IC communications network may seem to be easily adaptable to current systems, but that has not proven to be the case.

SUMMARY OF COMPLIANCE

This section provides a status and analysis on how the organizations in the intelligence community are transforming. Reform is in progress, but a true assessment of its impact on how the intelligence community conducts operations will not be measurable for several years. The litmus test for the IC is how well it leverages its assets to provide predictive analysis to ensure that the U.S. and its national interests are protected.

At the end of each section an assessment of compliance will include the grade assessed by the 9/11 Commission in its final report followed by the author's assessment of positive or negative impacts on intelligence reform.

Status of Intelligence Reform

Director Negroponte was appointed by President Bush as the first Director of National Intelligence and was confirmed by the Senate on April 22, 2005. The Office of the DNI (ODNI) has assumed responsibility for the President's daily brief, and the DNI has replaced the DCI as the chief intelligence advisor to the President. The ODNI organizational structure is in place and the office is operating as an independent agency. In the 9/11 Commission Status Report dated October 2005, the DNI established the following priorities for improving intelligence; 1) improve analytical capabilities, 2) build a sense of community to include information sharing, and 3) gain control of the intelligence budget.[69]

The National Counterterrorism Center (NCTC) was established by the Intelligence Reform and Terrorism Prevention Act of 2004 and Executive Order 13354.[70] The NCTC is operational and staffing is in its early stages and is planned to grow over time. A major deliverable from this center will be a shared database that can be accessed

by federal, state and local entities that require current threat data. The NCTC will build on and replace the existing Terrorist Threat Integration Center and other terrorist fusion centers within the government. The NCTC is not a policymaking organization, but is operationally focused, and responsible for joint operational planning, tasking of collections requirements within U.S. borders and abroad, assigning lead responsibilities to existing agencies and tracking their implementation of the elements of an operation.[71]

The National Counterproliferation Center (NCPC) was established December 21, 2005 to coordinate the federal government's strategic planning to prevent the spread of weapons of mass destruction.[72] The NCPC will help the intelligence community identify gaps or shortfalls in intelligence collection, analysis and exploitation for dealing with proliferation threats and the quest for technology to counter identified threats.[73] On November 8, 2005, the DNI and Director CIA announced the establishment of the DNI Open Source Center recommended by the Weapons of Mass Destruction (WMD) Commission.[74] Based at the CIA, this center will collect, analyze, research and exploit open source information to include the Internet, press, radio, television, video, geospatial data, photos and commercial imagery.[75] The CIA's Foreign Broadcast Information Service (FBIS) will serve as the model for the Open Source Center.

Director Negroponte is actively engaged in transforming the intelligence community through coordination with all its elements. His leadership is evident, but the current DNI structure is very hierarchical and more extensive than required by legislation. It appears that an already bureaucratic organization (the IC) has inherited another level of "red tape" that must be penetrated prior to addressing intelligence requirements. Poor time management within the IC is a major impediment to publishing

actionable intelligence and associated products. The author's impression is that the DNI is politically savvy and is playing the "shell game," to cross-level intelligence assets between the CIA and other intelligence agencies in order to staff the DNIs headquarters organization. Director Negroponte shared his vision and guidance in the National Intelligence Strategy in October, 2005. In February 2006, the DNI testified for the Senate Select Committee on Intelligence and presented a comprehensive view of the importance of intelligence on a global basis. In addition, he is frequently in the press as a staunch advocate for intelligence reform and constantly shares the positive aspects of intelligence through the media and in testimony to various congressional committees.

Reform and transformation appear to be on track, but an enormous amount of work and coordination remains before the IC will meet the President's expectations. The DNI has yet to establish and publish to the IC milestones to track the progress of reform. While the IC is leading the effort to win the Global War on Terrorism, it must first break the old paradigm of sharing intelligence on a "need to know basis" and shift to operating in an environment that embraces a "need to share" mentality. Breaking the "need to know" paradigm is the first step to changing the intelligence community culture. The DNI must get control of the intelligence budget and work closely with DoD to prioritize the management of the intelligence elements that are directly controlled by DoD.

To date there have been no public disagreements between the DNI and DoD, but at some point, "loop holes" in the legislation, will yield a flashpoint over personnel management and/or budget issues. It will be interesting to see how legislative compliance fares against personalities, political power and institutional parochialism.

Assessment of DNI Reform. The DNI is moving forward, but at a slower pace than expected. In the 9-11 Commission's Final Report, the DNI received "Bs" in two major areas of establish the DNI and establish the Counterterrorism Center.[76] While the IC received a "D" in government-wide information sharing, the DNI is proactively working to establish TTPs to efficiently transform the IC in stride while supporting the war on terrorism. There are myriad critical tasks that must be addressed. Among the tasks, the DNI should be actively coordinating with the Secretary of Defense to establish a realistic time frame to assume responsibility for the intelligence budget. The author's assessment is that while the DNI has effected some important changes to transform the IC, he must be more aggressive in executing his authorities. Still, the overall compliance with the legislation and recommendations of the 9-11 Commission is "positive." Recognizing that information sharing crosses all facets of the government, it should be closely monitored and its effectiveness should be assessed by a panel appointed by Congress.

Status of CIA HUMINT Reform

On October 13, 2005, the DNI in conjunction with the Director of CIA announced the approval of the National Clandestine Service (NCS) in a CIA press release.[77] The DNI establishes clandestine HUMINT, policy and the NCS executes the policy within the intelligence community. The lines between tactical, operational and strategic human intelligence are increasingly vague and the NCS must work closely with DIA to establish parameters and coordinate operations to ensure both organizations are focused and operating in a mutually supporting framework to exploit the strengths of each organization's HUMINT capabilities. Constant coordination and the establishment of

habitual working relationships between CIA and DIA human intelligence agents will lessen the rivalries created by the differences in culture. Effective HUMINT operations can fill the intelligence gaps not directly addressed by the other technical intelligence disciplines. Successful exploitation of the human dimension can provide valuable insight into an adversary's intentions and motives; these intangibles can only be obtained through human interaction and assessment. HUMINT in conjunction with the other technical aspects of intelligence collection will yield comprehensive all source products that are more likely to satisfy the warfighter's intelligence requirements at the tactical and operational levels of war.

Human intelligence must be tailored to provide options to the U.S. senior leaders as they strive to make prudent decisions on how to leverage all the elements of national power to protect U.S. interests at the strategic level. The Director of the NCS is responsible for the integration, coordination, deconfliction, and evaluation of HUMINT operations across the entire intelligence community at home and abroad, under authorities delegated to the Director of the CIA who serves as the National HUMINT Manager.[78] The NCS will conduct its operations in accordance with prescribed laws, executive directives and interagency agreements.

Director Negroponte lauds the establishment of the NCS as a positive step toward unifying the intelligence community to ensure its actions and functions are well coordinated to meet the increasingly complex intelligence challenges of the future. The Director of CIA, Porter J. Goss echoed the DNI's sentiment when he said:

> "These changes hold the potential to make our HUMINT operations better than they were before, from training and tradecraft to technology and counterintelligence," Goss said. "They hold the potential to make our intelligence community even more of a community. It is up to us to

make that potential real, and in the process to make the United States safer and stronger. I have every confidence that we will meet the goal."[79]

The following are some internal particulars of how the NCS will operate:

- The DCIA is the National HUMINT Manager by law, but day-to-day responsibilities are delegated to the Director of the NCS (D/NCS). The D/NCS will make assessment of clandestine operations across the intelligence community and report the status to the DCIA.

- Director Goss appointed a seasoned veteran from the CIA's Directorate of Operations (DO) as the first Director of the National Clandestine Service (D/NCS). The individual is and will remain an undercover officer.
- The D/NCS will have three deputies under his direct supervision
- Deputy Director of NCS (DD/NCS/CIA) - Responsible for managing CIA's clandestine service.
- Deputy Director of NCS for Community HUMINT (DD/NCS/CH) - Responsible for coordination and deconfliction of clandestine HUMINT operations across the intelligence community. Under the ODNI and D/NCS direction DD/NCS/CH is empowered to establish standards, doctrine, training guidelines and clandestine HUMINT tradecraft across the intelligence community.
- Associate Deputy Director of the NCS for Technology (ADD/NCS/T) – Responsible for the management of new technologies that will impact clandestine HUMINT operations.[80]

Status of DIA HUMINT Reform

DIA is currently transforming its HUMINT operations to meet the myriad of collection requirements based on a nebulous asymmetrical threat that transcends international borders. The current Deputy Director for Human Intelligence at DIA, Brig. Gen Michael E. Ennis clearly outlined DIA's HUMINT transformation initiatives in an interview published in DIA's publication the *Communiqué*. In the article, Brig. Gen Ennis opined that the HUMINT discipline is currently undermanned and has been neglected in recent years as the Agency focused on signals and imagery intelligence, but DIA is actively reinvigorating its HUMINT program. Brig. Gen Ennis stated, "We (DIA) want to have precisely targeted human intelligence that is responsive to fleeting targets of

opportunity. This means expanding the number of places where we collect information, expanding our current training, developing new training to meet the emerging requirements, hiring and training a large cadre of quality linguists, and creating career tracks for collectors with dedicated career managers."[81]

DIA's goal is to make HUMINT more relevant and responsive with a vast knowledge data base of geographic threats to collect against counter-insurgency and counter-terrorism. DIA HUMINT operators are being stressed based on the steady operational tempo required to deploy this critical finite resource in support of current operations in the Balkans, Afghanistan, Philippines, the Horn of Africa and Iraq.[82] Brig. Gen Ennis estimated that HUMINT transformation will span a five year period from FY 2005 to FY 2009. The challenge is growing collectors that have the necessary level of expertise and language skills to operate autonomously in austere locations globally. A major DIA initiative is to pair collectors with analysts and subject matter experts who deploy as a team to take advantage of their collective knowledge of a target area. Exposing the analyst and subject matter expert to the operational environment will afford them a better appreciation of the threat environment, the capabilities and limitations of the collectors to facilitate the preparation of precise requirements when they return to administrative positions after deployment.[83]

HUMINT is a nasty business and a dangerous profession with multiple layers of inherent risks associated with spying on other entities to include nation states, non-state actors, rogue actors and terrorist organizations.[84] To adequately deal with these elements, risk must be mitigated in HUMINT operations by levering adequate resources (money and people). The HUMINT force must be thoroughly trained on "tradecraft", and stay

familiar with the target area by frequent deployments. This helps to gain a level of knowledge and expertise not gleaned from headquarters garrison type operations. HUMINT practitioners are a special breed and must be capable of operating autonomously. This means that recruiters must focus on specific character traits and skills when screening HUMINT applicants. Conducting human intelligence is an art, not a science. To be effective in HUMINT, an individual must know and understand how to manipulate and what motivates people.

Assessment of CIA and DIA HUMINT Reform. The 9/11 Commission Report did not address CIA and DIA HUMINT reform independently as a separate category, but revealed the following assessment of the CIA without assigning a grade: "CIA analysts are still focused at the tactical level instead of on long term strategic analysis". [85] HUMINT capabilities must be increased which means aggressive recruiting initiatives to grow quality, well trained, case officers. CIA must develop and coordinate with DIA to establish long-term HUMINT networks that will allow penetration of target countries and terrorist cells. The author's assessment is that until the CIA and DIA have established HUMINT networks that can be used to infiltrate targeted countries and organizations, the lack of HUMINT capacity and capability has a "negative" impact on intelligence reform.

Status of FBI Reform

Under the firm leadership of FBI Director Robert S. Mueller, III the FBI is slowly changing its focus from law enforcement to combating domestic terrorism. As with all the entities in the IC, change has been slow and gradual. For the FBI, it is not only a change in its mission but also a change in its culture. The Congressional Research Service Report for Congress outlines the current status of how effectively the FBI is

transforming. While the entire organization is in transition the focus of this section is intelligence reforms within the FBI and how they relate to strengthening the IC.

The FBI Intelligence Process is different than the Joint Intelligence Process as shown in Figure 1. The goal of the Joint Intelligence Process is to support the commander; identify, define, and nominate objectives; support operational planning and execution; avoid surprise; assist friendly deception efforts; and evaluate the effects of operations.[86] The two charts in Figure 1 illustrate how differently the intelligence process is executed in two different organizations within the IC. It is expected that the IC would utilize the same intelligence process and common TTPs. Of course, each organization will continue to focus on its department's specific requirements, but the process of how intelligence is executed should be standardized throughout the IC. Standardization of TTPs will be a major deliverable for the DNI to move the intelligence community in the right direction toward rapid integration, synchronization, coordination and ultimately, cultural change.
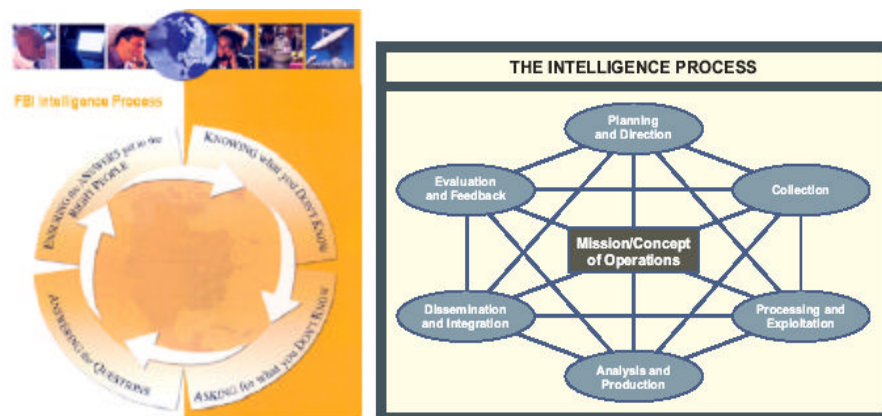

Figure 1. The FBI and Joint Intelligence Process [Source: FBI http://fbi.gov and Joint Publication 2-0].

Post September 11, 2001, the FBI has expanded its intelligence cycle by instituting a

formal FBI-wide process for dissemination of intelligence requirements and issuing

suitable collection taskings to operational divisions at both the Headquarters and in the

field.[87] These requirements are approved by the National Security and Homeland

Security Councils and extracted from the National Intelligence Priorities Framework. [88]

This dynamic process ensures a mechanism for identifying intelligence gaps to leverage

aggressive targeting and collection to bridge those gaps. The FBI's goal is "to improve

the functional capabilities during each step of the intelligence cycle to manage and satisfy

collection, production and dissemination within the FBI to ensure requirements levied by

national, international, state and local agencies are satisfied."[89] Although the Joint and

FBI intelligence process are distinctly different the major endstate for both organizations

is the same.

    The FBI reform initiatives below are a result of the perceived shortcoming

identified by the Joint Intelligence Community Inquiry based on the FBI's failure to:

- *"Focus on the domestic threat*. FBI could not monitor the travel and activities of al-Qaida and other terrorist groups operating in the U.S.
- *Conduct all-source analysis*. The FBI's mentality to aggressively use case management procedures and a law enforcement approach limited its ability to be flexible and conduct broader collection and more importantly analysis.
- *Centralize a nationally-coordinated effort to gain intelligence on Osama Bin Laden and al-Qaida*. The autonomy of the FBI's 56 field offices to conduct law enforcement activities weakened its ability to conduct counterterrorism operations.
- *Conduct counterterrorism strategic analysis*. Pre 9/11 focus was reactive in nature, driven by operations. The FBI community viewed strategic intelligence products as academic with little value to on going operations.
- *Develop effective information technology systems.* FBI relied on antiquated information systems that were not compatible with other national intelligence agencies like NSA, DIA, NRO and NGA."[90]

The FBI has made outstanding progress in its transformation to comply with 9/11

Commission recommendations and the requirements of the Intelligence Reform Act. The

CRS Report for Congress lays out the details of the FBI's positive reform efforts.[91] The

FBI is changing how it processes intelligence by formally embracing the traditional

intelligence cycle followed by the rest of the IC. The following are the main elements of

FBI reform:

- Restructure and upgrade multiple intelligence support units by integrating their efforts to build a common intelligence program to include new TTPs and the use of enhanced information technology.
- Decrease the autonomy of the FBI's separate 56 field offices.
- Centralizing control over counterterrorism and counterintelligence cases at the FBI Headquarters to enhance oversight.
- Director FBI, established the Office of Intelligence under the control of the Executive Assistant Director for Intelligence to provide oversight for the FBI's fragmented intelligence organizations.[92]

The Office of Intelligence, an integrated intelligence organization under a single

director of intelligence will manage the coordination of the FBI's efforts within the IC.

Like the majority of intelligence organizations, the FBI has many layers of bureaucracy

to transit before a decision can be made. As the intelligence community continues to

reform its organizations must be flatter to empower subordinates to make decisions, but

those same empowered subordinates must share information to ensure effective

organizational situational awareness. Moving the FBI toward a balance of centralized

management to maintain situational awareness and continued decentralized decision

making requires a cultural change in how management executes supervisory roles. While

it will take time for the FBI to change, positive steps are being taken to accelerate change.

Each field office has raised the priority of intelligence collection and analysis. Each field

intelligence group is comprised of intelligence analysts focused on tactical analysis,

special agents responsible for collection and reports officers to filter intelligence to determine proper dissemination.[93]

Director Mueller is serious about intelligence sharing and integration, which prompted him to create a new position, Executive Assistant Director for Law Enforcement Services and the sub directorate entitled the Office of Law Enforcement Coordination. This new office in conjunction with the Office of Intelligence oversees the dissemination of timely, relevant and actionable intelligence to the appropriate state and local law enforcement agencies. To give legitimacy to the Office of Law Enforcement Coordination it is headed by a former Police Chief who understands the intricacies of the law enforcement community. Transformation costs money; the FBI's budget proposal for 2005 increased to $5.1 billion including an increase of $76 million for intelligence related activities.[94] The FBI is actively recruiting personnel to increase the number of new Special Agent intelligence collectors and analysts.

Information sharing initiatives are in place to ensure internal connectivity within the FBI as well as external coordination among the IC, state, and local organizations. Technology is a major key to bridging gaps in the IC. The FBI is struggling with managing the monetary resources to field new technologically advanced systems to keep pace with the other agencies in the IC. The 9/11 Commission's final report, dated December 2005, acknowledged that the FBI is increasing its national security workforce, but time is of the essence and change is occurring at a snail's pace.

Assessment of FBI Reform. In the 9/11 Commission's Final report the FBI received a "C" for its efforts toward national security workforce reform. The FBI continues to struggle with shifting its cultural focus from criminal investigations to a

proactive counterterrorism posture.[95] The FBI is making positive change with the establishment of the Office of Intelligences, the organization charged with oversight of all FBI intelligence operations. The FBI has established an intelligence career field to "grow" intelligence professionals and is actively recruiting qualified agents. Information sharing within the intelligence community is difficult to measure, but the PATRIOT Act contains provisions that authorize information sharing between law enforcement and the intelligence community to support the global war on terrorism. The author's assessment is that the FBI's actions to date are having a "positive" impact on intelligence reform. The FBI has a long road ahead to change its culture, but Director Mueller's leadership will continue to move transformation forward.

Status of DoD Reform

DoD obtained congressional support for the creation of a new position, the Under Secretary of Defense for Intelligence (USD-I), to manage DoD intelligence assets. Department of Defense Directive Number 5143.01, dated November 23, 2005 authorized the first USD-I as a Principle Staff Assistant (PSA) reporting directly to the SECDEF. [96] This position was created based on the tight resource years of the 1990s when the military services reduced their organic tactical intelligence capabilities trading them for weapons and operations/maintenance to preserve readiness.[97] The result of this lack of investment at the service level compelled combatant commanders to rely on national intelligence to provide the tactical and operational intelligence required to conduct warfighting operations in their geographic areas of responsibility. This phenomenon completely blurred the doctrinal boundaries that separate strategic, operational and tactical intelligence. HUMINT is a good example of an intelligence discipline that can

impact and influence all three levels of war based on the fidelity of the information

gained from a credible source that has adequate placement and access in an organization.

As the USD-I, Dr. Cambone broadly outlined, the goals for intelligence

transformation during his testimony before the Senate Armed Services Committee,

Strategic Forces Subcommittee on April 7, 2004:

- "Know something of intelligence value about everything of interest to us, all the time. Break the current paradigm of Cold War collection focused on periodic looks and sampling and move toward longer dwell time platforms that can be dynamically retasked to collect on time sensitive targets and exploit that data and quickly push critical intelligence to the users/combatant commanders.
- Develop reliable strategic warning. Provide the national leadership strategic warning on potential threats that will allow adequate time to devise a full range of DIME options to influence the prudent use of national power.
- Pursue agile and adaptable intelligence collection and analysis capability. The intelligence community must be flexible in order to respond to surprise to expeditiously convert data to information and information into actionable intelligence that can be shared at various classification levels. This strategy of flexibility is a departure from the current linear processes based on satellites and aircraft in fixed orbits.
- Provide an intelligence capability that supports a national strategy of forward deterrence and agility. We must understand each dimension of our adversary's cultural, economic, political motivation coupled with history and world relationships defined by globalization. Maximize HUMINT capabilities to collect and provide valuable information for analysts to build networks and diagrams to provide insights into threat capabilities and vulnerabilities.
- Ensure military forces receive intelligence in a fashion and in a format that enables them to swiftly defeat an adversary. Continuous preparation of the battlefield throughout the entire planning construct (Shape, Deter, Seize the Initiative, Dominate, Stabilize and Enable Civilian Authorities) focused on the multi-dimensional facets of the modern battlefield (air, land sea and cyberspace).
- Ensure knowledgeable adversaries do not compromise our secrets. Leverage counterintelligence and HUMINT expertise to obtain exploitable intelligence about an adversary without his knowledge while simultaneously protecting our critical vulnerabilities."[98]

The USD-I spearheaded two key initiatives to transform DoD intelligence capabilities, Taking Stock of Defense Intelligence (TSDI) and Defense HUMINT reform.[99] TSDI is a multi-service interagency study to assess how well DoD utilizes and manages its resources. HUMINT reform is a top priority for DoD as evidenced by the establishment of the Joint Military Intelligence Program (JMIP), to provide better management and oversight of HUMINT resources.[100] The goal is to closely monitor, manage and provide a variety of HUMINT assets to include; clandestine recruitment and logistics, overt debriefers and interrogators and Tactical HUMINT Teams (THTs), that are trained and ready to operate globally.[101] These assets will collect and disseminate intelligence that will satisfy combatant commander requirements as well as provide insight to ensure that the President and his advisors have viable options when employing the instruments of national power.

Intelligence Surveillance and Reconnaissance (ISR) organizational transformation, horizontal integration, intelligence campaign plans were all topics during Dr. Cambone's testimony to Congress. When addressing ISR transformation, Dr. Cambone stressed the requirement to invest in newer sensors and platforms to provide flexibility, agility and adaptability to meet the evolving requirements from theater to tactical levels. DoD continues to extend and broaden its ISR capabilities by supporting new technology to include: high endurance Unmanned Aerial Vehicles (UAVs), Tactical UAV (TUAVs), and Space Based Radars (SBR) that provide persistent surveillance.

According to Dr. Cambone, Horizontal Integration (HI), although not a new concept, is the mechanism that DoD will employ to take advantage of present and future intelligence systems to: provide agile and persistent collectors; enable information

sharing; and, support predictive analysis to define the strategic environment based on evolving adversaries with access to advanced technology.[102] To reform the current culture within the intelligence community, HI is intended to serve as a bridge that connects the intelligence community and sets the conditions to implement common policy, management, and organizational structure across the entire community. Intelligence sharing at multiple classification levels will be a positive by-product of the HI process to ensure common situational awareness across the IC. HI is the key to integrated all-source analysis, and will be achieved by putting the collector and analysts together in the field. This pairing of resources will increase the depth and breath of knowledge of the target area which is critical when identifying collection and analyzing the results. HI integration is complex and its technical aspects highlight the requirement to build an integrated systems architecture. This architecture will require components that are adaptable and upgradeable based on the rapid evolution of global information technology.

Planning to support future operations, as embodied in Intelligence Campaign Planning (ICP), "is designed to synchronize and integrate intelligence into the commander's adaptive planning process, and when fully developed, will bring together DoD and IC capabilities."[103] Ultimately ICP supports the commander's ability to leverage intelligence assets through precise management, coordination and synchronization. DoD outlines the following as major tenets of ICP:

- Define detailed collection/production requirements for deliberate allocation of theater and national level assets.
- Improve OPS/INTEL integration for planning for crisis, war and post-conflict.
- Used to present COCOM and DoD intelligence requirements to the DNI and IC.

- Continuously revised at COCOMs.[104]

DoD is working to ensure integration of its assets with the other members of the intelligence community. As each organization conducts internal reform, there are some "gray areas" that will cause friction between DoD and the DNI. Since the distinction between strategic, operational and tactical intelligence is blurred,[105] the need to share national intelligence assets is a reality. The friction will surface when determining who has priority, warfighters or policy makers. The challenge for the DNI and Secretary of Defense will be the establishment of procedures to limit duplication of effort and address the intelligence requirements of the national community. In the past "stovepipe" organizations specialized in a particular aspect of intelligence: NSA for signals intelligence (SIGINT), CIA for espionage or human intelligence (HUMINT), NGA for imagery intelligence (IMINT).[106] The stovepipe model is not an effective method of addressing an unidentified threat that operates asymmetrically. DoD intelligence assets have routinely provided support to both tactical commanders and policy makers and as transformation proceeds those requirements will continue to be met regardless of what organization is providing the C2. Over time, all national level intelligence assets should be directly controlled by the DNI.

Assessment of DoD Reform. DoD did not receive a rating from the 9-11 Commission. The author's assessment is that DoD's interaction and coordination with the DNI is critical to continued intelligence reform. DoD was in the process of transforming prior to the signing of Intelligence Reform and Terrorism Prevention Act of 2004. Publicly, the Secretary of Defense appears to be collaborating with the DNI on critical issues, but the behind the scene political dynamics are probably tenuous at best.

Internal DoD reforms will "positively" impact how DoD conducts intelligence operations and its connectivity to the rest of the intelligence community. DoD's reluctance to relinquish budgetary control over the majority of intelligence funding to the DNI, is a major potential friction point that will "negatively" impact reform of the IC. The struggle for control of the IC funding will continue to rumble just beneath the surface until the issue is fully debated and a resolution is reached, probably with intervention of the highest executive level.

Status of Interagency Coordination

Interagency organizations that will impact intelligence reform include the elements that interact with the IC from the departments of State, Energy and Homeland Security. The FBI and CIA have already established connectivity with DoD and the interagency community. The DNI's role is to bring all these assets together as a cohesive group capable of providing national intelligence products when needed. Coordinating the interagency community effort will be one of the most difficult tasks as the IC transforms.

The interagency community is not formally structured, and there is no identified head of interagency organizations collectively. Individual organizations conduct operations without coordination with other agencies. This approach may work for its functional mission, but it will not work if the desired result is an integrated intelligence perspective. 9/11 illustrated what happens when organizations focus only on their functional areas and do not "share" critical information that might serve as the missing piece of another organization's puzzle. The lack of a designated "champion" for the interagency community leaves the preponderance of coordination to social forums and informal liaisons. Each administration sets the tone for interagency operations, and it is

clear that the current Bush Administration is comfortable with a very loose organization with minimal scrutiny by the National Security Council. Still, the JIACGs can be a powerful tool to assist the combatant commanders with coordination with the interagency community.

Secretary Rice has publicly embraced the ideas of information sharing and cooperation in the interagency community, but the Department of State has enacted limited documented reform initiatives. The State Department's Bureau of Intelligence and Research (INR) is one of three intelligence agencies that produce all-source intelligence (DNI and DIA are the other two agencies). The INR is a unique organization because of its ready access to embassy reports and to regional offices overseeing embassies as well as to all sources available to other agencies. The INR's major product is the daily Secretary's Morning Summary, a compilation of current threat assessments, issues to watch, and analytic insights from around the globe. The Secretary, senior subordinates, other intelligence agencies and policy offices receive this product.[107] The INR product has a wider audience and a different focus than the DNI's daily briefing to POTUS.

The daily briefing for the President was formerly one of the CIA's main missions. Redundancy may have been accepted to have individual, dedicated intelligence producers meet the specific and unique needs of policymakers (INR for State; DIA for DoD; DNI for the president). Multiple intelligence producers are needed to address the unique requests at different levels of government focused on mission requirements and specificity based on DIME and PMESII. Another possible reason for the duplication of effort is to provide competitive analysis, the practice of having multiple groups of

analysts with differing points of view work an issue. The purpose here has been to achieve a more accurate assessment.[108] The author offers that competitive analysis could be viewed as an "outsider looking in" improves the likelihood of getting an objective analysis.

  Assessment of Interagency Coordination. The interagency process works when it must, but informal day to day operations can cause friction when dealing with the military community. Senior officers speaking at JAWS often commented on their inability to get actionable intelligence from the interagency community. Until the interagency community has adequate resources to move toward collaboration as the norm instead of operating ah hoc, the military community will continue to work around those agencies that are not receptive to participation and cooperation. At this point, the interagency community continues to have a "negative" impact on information sharing and intelligence reform.

Status of Reform in the Department of Homeland Security that Directly Impacts the IC

  The Department of Homeland Security's Office of Border Patrol (OBP) continues to implement the recommendations of the 9/11 Commission to heighten border security. Secretary Chertoff's Secure Border Initiative (SBI) is a multi-year plan to secure America's borders and reduce illegal migration which includes:

1. More border patrol agents to secure ports and enforce immigration laws.
2. Increase detention and removal capacity to prevent "catch and release."
3. Upgrade technology; increase manned aerial assets, expand the use of UAVs
4. Increase funding to build infrastructure to increase physical security
5. Increase enforcement of immigration laws; closely monitor worksites.[109]

Richard L. Skinner, Inspector General of the Department of Homeland Security,

provided Congress a comprehensive and technical overview of how the OBP

manages the Integrated Surveillance Intelligence System (ISIS) program. This

program is critical to the detection and prevention of illegal aliens, terrorists and other

contraband from entering the United States illegally. Mr. Skinner's report to

Congress reviewed the effectiveness of the ISIS equipment (sensors, Remote Video

Surveillance (RVS) system and the Intelligence Computer Assisted Detection (ICAD

system) that are currently in use to provide additional border security.[110] According

to Mr. Skinner ISIS has not been fully integrated to the level anticipated, and the lack

of automated integration has a significant negative impact on the effectiveness and

future potential of ISIS.[111] The following is Mr. Skinner's assessment:

> "Several limitations of border surveillance, remote assessment and
> monitoring technology as well as significant delays and cost overruns
> in the procurement of the RVS system have impeded the success of
> ISIS."[112]

The report was also quite critical regarding UAVs. Money has been allocated for

the use of UAVs with varying degrees of effectiveness. OBP acquired UAVs that can

remain airborne up to 20 hours; this capability exceeds the parameters of the OBP's

aircraft fleet. UAVs cost more to operate than manned aerial platforms, and have

extensive maintenance and training requirements. Although UAVs can stay on station

for extended periods of time, they are limited by the impact of weather (visibility and

cloud cover, icing and thunderstorms). OBP officials offered that operating UAVs is

more than double the cost of manned aircraft, and their use yielded fewer seizures.[113]

Controlling U.S. borders is integral to preventing terrorists and criminals from

illegally entering the country. The active measures being taken to secure U.S. borders are

important to the intelligence community because illegal immigration will impact the accuracy of building comprehensive threat databases. The U.S. Visitor and Immigrant Status Indicator Technology (US-VISIT) program uses biometrically-enhanced security procedures (digital finger scans and digital photograph) to track entry into and exit of the U.S. by all visitors with limited exceptions.[114] This program is in the early stages of implementation, but has already raised some concerns over individual privacy that will have to be addressed through future legislation. Eligibility for entry is determined by the Departments of State and Homeland Security. The goals of the US-VISIT program include:

- Enhance security of U.S. citizens and visitors.
- Facilitate legitimate travel and trade.
- Ensure the integrity of U.S. immigration systems.
- Protect the privacy of visitors.[115]

Most observers agree that the U.S. southern border is particularly vulnerable to illegal immigration. Detecting, controlling and tracking the flow of criminals and possible terrorists into the U.S. is a challenge that the will take a collective proactive effort by the Border Patrol, FBI, CIA and DoD to maintain the vigilance needed to heighten a common situational awareness to protect the American people through predictive analysis and preventions.

Assessment of Reform in the Department of Homeland Security. The Department of Homeland Security's borders security initiatives will impact and enable intelligence reform. In the 9/11 Commission's Final Report, international collaboration on borders and document security received a "D." Measures have been implemented to use biometrics in the US-VISIT program to monitor foreign visitors that enter the U.S.

does not track their departures. Currently, personnel and cargo databases are not correlated or integrated.[116] The author's assessment is that while border security procedures continue to move forward, tight resources and limiting immigration laws will make it difficult to achieve reform initiatives in the short term. Information sharing between the intelligence community and law enforcement coupled with border security initiatives are key to intelligence reform. These are currently having a limited "positive" effect on the IC's ability to reform.

CONCLUSION

Intelligence is a complicated business and must be streamlined by having flatter and better integrated organizations. The time has come for the DNI to provide strong and focused leadership. This is imperative to transform the IC from a closed, compartmented and secretive bureaucracy into an integrated national level organization that embraces collaboration and information sharing. The DNI must be properly resourced by Congress and have effective control over national intelligence assets. To effect this change will require a shift of power from DoD, the department that currently controls the majority of the intelligence assets and budget. Realigning the national assets under the control of the DNI will not change their current support commitment, but will strengthen the DNI by establishing positive contol over intelligence assets and their prioritization. The Intelligence Reform and Terrorism Act of 2004 provided the DNI with extensive budgetary and management authorities over DoD intelligence assets, but does not revoke the same responsibilities held by the Secretary of Defense for these agencies.[117] This should be corrected immediately in an amendment to the Intelligence Reform Act.

The IC must change its culture and embrace both classified and open sources. Legislation provides the framework to enhance training and education to keep pace with current and future intelligence tradecraft trends. Foreign language education is essential for the development of a highly skilled intelligence workforce. The DNI will identify a range of skills necessary for members of the intelligence community, and overhaul professional intelligence training to focus on a curriculum that integrates linguistics requirements, training programs focused on enhancing collection and analytical skills. [118]

The National Counterterrorism Center (NCTC), National Counter Proliferation Center (NCPC) and National Intelligence Centers (NICs) are integral segments of intelligence reform. These centers will serve as the bedrock for the intelligence community to efficiently and effectively analyze, fuse and synchronize intelligence products and documents for sharing with the other government agencies. The expectation is that output from these centers will enable the IC to collaborate and produce comprehensive predictive analysis to preclude future surprise terrorist attacks in the United States.

Therefore, these centers need to be staffed with competent professionals from both government and private organizations, as never seen before. This change is essential to ensure a fresh approach to intelligence collection, analysis and fusion. To attract the right people to serve in these centers, the DNI must recruit the best and brightest our society has to offer. Each center should have a fusion cell that takes collected data and applies all the intelligence disciplines to create an all-source product. The strength of the intelligence community is that assessments are based on the perspective of the organization providing input. Diversity in input leads to a product that

is less parochial, based on individual cultures. It is clear that human capital is more essential than ever.

When recruiting the highly qualified workforce for the NCTC, National Counter Proliferation Center and Intelligence Centers, the goal should be to hire creative thinkers who with specific training will emerge as technologically advanced analysts able to offer solutions both inside and outside the box. Today's threat is adaptive and to counter its effectiveness our analysts must be flexible and understand the world from a geopolitical, economic and culturally diverse baseline obtained through extensive studies on a regional basis. As the DNI executes his vision outlined in the National Intelligence Strategy, he must demand and orchestrate changes to the current systems of collection, analysis, fusion and information sharing across the intelligence community.

The DNI's tasks are far more complicated than just those actions listed in Title I of establishing a headquarters and reforming intelligence practices. These two areas serve as the foundation for the execution of the tenets in the remaining seven Titles mandated by law. Beyond these, let's remember that personalities matter and strong leadership is key to shaping a flexible and collaborative US intelligence community to counter an adaptive state or non state adversary. "Business as usual" is no longer acceptable.

Direct interactions with NSA, DIA and CIA during formal briefings attended by the author in Washington, DC offered evidence of the friction within the IC. While change is often initially rejected and the current friction in the IC may dissipate over time, this cannot be taken for granted. Each organization must be brought to realize that its own livelihood is not in jeopardy. Intelligence reform is designed to make the

intelligence community more functional and more able to substantively leverage the strengths and capabilities of each organization. The DNI and his team are working hard to unite the intelligence community and striving to eliminate the perceived "us against them" mentality. It is clear that this must be done to move the intelligence reform process forward. DoD reforms are progressing, but they must be closely monitored to ensure minimal duplication of efforts.

The FBI is on track and is making significant changes to shift its focus from strictly law enforcement to counterterrorism. Director Mueller is a visionary and is rapidly moving the FBI toward reform by hiring more agents, establishing an intelligence career field, streamlining field office operations and establishing a directorate of intelligence.

CIA and DIA are working together to reinvigorate HUMINT operations domestically and abroad. The other members of the intelligence community, our interagency partners, are also changing how they conduct internal intelligence functions to meet the requirements of their respective organizations. The interagency community is participating in reform, but must be proactive to integrate itself into the collective process.

Communications systems must be interoperable, and the DNI has the mammoth task of working the acquisition of common systems that will connect the intelligence community and ease the burden of sharing information both horizontally and vertically. Systems acquired for the intelligence community should be user friendly and used by the entire intelligence community although each individual organization will probably maintain its own internal communications network to address internal requirements

leveraged by its parent organization. Educating non intelligence community consumers on how to obtain intelligence information is critical to information sharing. Exposure to multiple data mining techniques will help alleviate the barrier of secrecy and encourage consumers to access UNCLASSIFIED open source websites. If additional classified fidelity is required then SECRET data can be obtained via SIPRNET and TOP SECRET data can be obtained via INTELINK/Joint World-wide Communications System (JWICS). The key to effective communications and information sharing is access, and the DNI will have to address this issue and set the proper parameters for granting access in a manner that embraces a "need to share" environment and conforms to the mandate of the President to do so.

The author offers that the IC can not transform in the near term.   Transforming national intelligence will be a gradual process that must be strictly managed and monitored by the DNI. The DNI's effectiveness will surely be measured by the President and Congress. This will ensure that the vision of the DNI conforms to that of the national leadership. In doing so, the DNI must assert his legislative authority and refrain from following in the footsteps of previous Directors of the CIA who failed to fully employ the authority assigned under the National Security Act of 1947. The Intelligence Reform Act of 2004 amends the previous legislation and provides even greater authority for the DNI to actively manage the intelligence community. Best, Cummings and Masse opined "that effectiveness of the increased legislative authorities will depend on the following: "(1) will the DNI aggressively assert his legislative authorities? (2) will the President and Congress back the DNI if he does? (3) and, will the DNI successfully establish a

transparent end-to-end budget process that will permit him to make and effectively enforce informed budget decisions?"[119]

Breaking down the barriers between the IC and federal, state, and local authorities will gradually change as the environment and cultures within these organizations becomes more open and intelligence more "shareable." Change will occur slowly as the intelligence community opens up and becomes comfortable operating outside of the barrier that separates the unclassified and classified intelligence worlds. Information sharing will be enhanced as agencies that do not routinely operate with the intelligence community become aware of the multiple avenues to obtain threat data and intelligence products.

Research supports the thesis that cultural bias in the IC continues to interfere with meeting the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 due to continued "stovepipe" operations.

RECOMMENDATIONS

The following is a combination of the recommendations of the 9/11 Commission that appear not to have been sufficiently acted upon and the thoughts of the author based on research and more than 20 years of military service as a career Military Intelligence Officer.

1. The 9/11 Commission stated that the House and Senate have taken limited positive steps to create an oversight subcommittee to monitor the progress of intelligence reform."[120] Therefore, Congress should immediately establish a Congressional oversight panel to replace the 9/11 Commission, that submitted its final report in December 2005.

This new panel's role will be to monitor intelligence reform and report, in writing, on its compliance during transformation.

2.   Change the intelligence community architecture to reflect the actual authority and oversight of the Office of Director of National Intelligence. Amend the legislation to clearly delineate the roles of the DNI and SECDEF in the budgeting process. DoD should retain its current budget responsibilities and its direct control over service intelligence organizations and DIA to address the specific needs of the combatant commanders; however, NGA, NRO and NSA are all national level assts and should be resourced and directly managed by the DNI.

3.   NCTC, NCPC, Intelligence Centers and the Open Source Center are all established and conducting operations. These organizations must be staffed with individuals from all the organizations of the intelligence community to ensure products have a multi-organizational perspective. The DNI should assign an independent agency to periodically assess the effectiveness of the products produced by these organizations. Technological advances should drive the creation of flexible threat data bases to allow federal, state and local organizations to query these data bases and receive information at multiple classification levels that will meet the specific requirements of the requestor.

4.   Interagency cooperation is critical for planning and executing the specific elements of national power. Legislation similar to the Goldwater-Nichols Department of Defense Reorganization Act of 1986 would force the interagency toward joint operations similar to how it changed the operating environment of the Department of Defense in 1986. The checks and balances of the Goldwater-Nichols Act coupled with the

accountability requirements to Congress are the pillars to successful compliance and lead the way to future joint operations.

5.   Congress would be wise to continue to closely monitor The Department of Homeland Security border control initiatives to ensure measures are in place to accurately identify and track individuals transiting U.S. borders. The privacy issues with the US-VISIT program should be addressed through legislation to move the program forward. Using a shared threat data base will facilitate information sharing by the CIA, DoD, FBI, interagency community, local and state governments required for future exploitation.

6.   All the entities of the IC, as well as state and local law enforcement organizations, need to invest coherently on a high priority basis, in intelligence. At the federal level the IC has the urgent requirement to invest in increasing the capacity of CIA and DIA HUMINT programs and accept the risks associated with clandestine operations. Establish DIA and CIA HUMINT networks that will prepare agents to gain access and placement in threat organizations in target locations globally for future exploitation by the IC. Target locations should be established based on the priorities in the NSS, NDS and National Intelligence Strategy. Once the federal level makes progress, the related entities at the state and local level will have a foundation and example to build upon.

7.   The IC must continue to transform its ethos from a "need to know" to a "need to share" paradigm. The 9/11 Commission stated that "government-wide incentives in favor of information sharing have been minimal and the office of the program manager for information sharing is still in the start-up phase. [121] This critical facet of intelligence reform must be supported at the highest levels. To date the lack of

information sharing is still an issue between federal state and local authorities.

Information sharing is a process that will take time as the IC transforms.

Summary of Recommendations

- DNI should immediately exert his authority and take control over the intelligence budget. Establish a timeline and closely monitor IC reform by individual organization. Establish and publish common IC TTPs, connectivity requirements and information sharing initiatives.

- Congress should immediately appoint a panel to monitor and report the status of intelligence reform.

- Amend the Intelligence Reform Act to clarify the delineation of responsibility for national intelligence assets to include budget issues.

- Realign intelligence assets by placing all national organizations under the DNI's control.

- Increase HUMINT capability.

NOTES

[1] *The 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks Upon the United States*, Executive Summary, (New York and London: W.W. Norton and Company, 2004), 2

[2] Ibid.

[3] Merriam-Webster's Collegiate Dictionary, 11th ed., (2003), 456

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